

REMARKS

Amendments to the Claims

Claim 1 has been amended to recite that the elongated pads extend through the shoulder region. Support for this is found in paragraph 35 of the original specification.

35 U.S.C. § 103

Claims 1-2, 4-10 and 12-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz (BFGoodrich Mud-Terrain T/A KM) in view of Rooney 774 (US 6,401,774) and/or French 341 (FR 1,163,341). This rejection is respectfully traversed for the following reasons.

Shontz is once again relied upon for disclosing the use of a thin, short height rib between adjacent full height tread ribs in the lateral edges of the tread. In the Office Action, it is noted that the wall lugs of the main lugs are “generally perpendicular to the tread surface.” The “low height tread element” in the tread disclosed by Shontz has substantially the same structure – the walls of the “low height tread element” are generally perpendicular to the tread surface creating a square-like cross-sectional configuration.

In the tread of Shontz the “low height tread element” does not have a base width greater than 50% of the groove width and deflecting walls that initiate at the base of the tread element block wall. Additionally, the “low height tread element,” at best, just barely extends into the tire shoulder region but does not extend *through* the tire shoulder region as recited.

To make up for the deficiencies of Shontz, Rooney 774 and/or French 341 is relied upon. As both Rooney 774 and French 341 must be used to meet all of the claim limitations, as previously recited, Applicants will treat the rejection as Shontz in view of both Rooney 774 and French 341 – and not in the alternative as set forth in the rejection.

Rooney 774 is relied upon for disclosures of an elongated pad 72 having “deflecting walls” and a base width Z greater than 50% of the groove width Y, groove width Y being measured at the *inner tread surface* (col 9, lines 26-27; figure 7). However, Applicants’ claim 1 recites that the base width of the elongated pads is at least 50% relative to the groove width at the outer surface of the tread. Based upon Figure 7 and the teachings of Rooney 774, Rooney does not teach forming the pad to have such a recited width. Additionally, Rooney 774 does not teach extending the elongated pads through the sidewalls of the tire.

French 341 is relied upon in the Office Action for having projection “deflecting walls” initiating at the base of the tread element wall. French 341 teaches a variety of projections in

the groove base – ‘at the bottom of the hollows’ – that can reduce or remove the tendency of accidental cuts in the groove, this is achieved by all of the embodiments disclosed by French 341. French 341 does not teach that the projection must initiate at the base of the tread element to achieve the goal of reduce tread cutting, as suggested in the Office Action. The configuration shown in Figure 12 is but one of many designs, including those in which the projections do not initiate at the tread element base. French 341 does not teach any additional benefit achieved by the specific embodiment of Figure 12; thus, making it only one in many possible choices by one skilled in the art. Additionally, French 341 fails to teach forming the projections in the tire shoulder regions as recited.

To establish *prima facie* obviousness, there 1) must be some suggestion or motivation in the art to modify or combine the references; 2) must be a reasonable expectation of success and 3) the combined references must teach or suggest all the claim limitations. Graham v. Deere. The present rejection fails to meet all of these requirements.

In the present rejection, there is no suggestion or motivation to choose Figure 12 of French 341 to modify the structure of the tire disclosed by Shontz. Also, the combined references fail to teach or suggest all the claimed limitations: specifically, the elongation pads of the tire of Shontz as modified in the rejection fail to have a width that is at least 50% of the groove width at the tread surface and a length such that the elongation pads extend through the tire shoulder regions.

Regarding the rejected dependant claims, as the dependant claims incorporate the subject matter of claim 1, and the rejection fails to establish *prima facie* obviousness for claim 1, any rejection of the dependent claims based on the tire of Shontz as modified by Rooney 774 or French 341 also fails. Applicant does not concede the obviousness of any not specifically argued dependent claim.

It is requested that this rejection be reconsidered and withdrawn.

Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney 774 and/or French 341 and further in view of McMannis (US 6,533,007), Guidry (USD469,737) or Floria (US D202254).

McMannis discloses tread elements of different lengths in the shoulder regions of a tire. There is no disclosure or suggestion of separate low height tread elements of the type disclosed by the tire of Shontz. McMannis adds nothing not already present in the Mud Terrain tire.

Guidry discloses that at the tread edges, the tread lugs have a reduced height. There is no suggestion of separate low height tread elements of the type employed in the Mud Terrain tire. In fact, the Mud Terrain tire already has the edges of the lugs having reduced heights as they extend into the sidewall – again, nothing new is presented by the tire of Guidry not already appreciated by the Mud Terrain tire.

Floria shows cuts in the edges of the side tread elements of a tire. How cuts into a side of tread element teaches one skilled in the art to vary the lengths of circumferentially adjacent elements as recited is not evident. The recited feature is not even disclosed by Floria - Floria teaches no low height tread elements in the grooves.

The cited secondary references not only fail to teach what is recited in claim 3 – that circumferentially adjacent low height elements have different lengths, these references fail to remedy the above noted deficiencies of the primary rejection of the tire of Shontz as modified by Rooney and French 341. It is requested that this rejection be reconsidered and withdrawn.

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney 774 and/or French 341 and further in view of Rooney 926 (US2004/0123926).

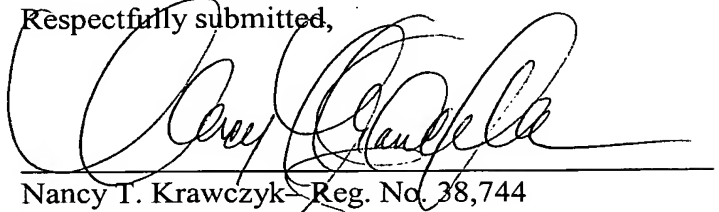
It is noted that Rooney 926 is not “art by another” but is under the same obligation of assignment as the present invention. Additionally, Rooney 926 fails to remedy the deficiency of the primary rejection as the elongated pads of Rooney 926 do not extend through the tire shoulder regions. It is requested that this rejection be withdrawn.

Claim 11 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney and/or French 341 and further in view of BFGoodrich Tires Introduces Krawler T/or or the admitted prior art (paragraph 5 of specification).

As Shontz as modified above fails to anticipate or render the subject matter of claim 1 obvious, than any rejection of the dependent claims based on claim 1 also fails. The Krawler T fails to cure this deficiency of teaching that the elongated pads should extend through the tire shoulder region. It is requested that this rejection be withdrawn.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy T. Krawczyk', is written over a horizontal line.

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